

Analysis of ANSI/ASIS PSC.1-2012 against the ICoCA Certification Assessment Framework

This document sets out the ICoCA Board of Directors' analysis of ANSI/ASIS PSC.1-2012 ("PSC.1") against the ICoCA Certification Assessment Framework. This analysis has informed the Board's view on the extent to which PSC.1 is consistent with the ICoC. It has further been used to help identify that additional information the Board believes is necessary to require from a company certified to PSC.1 by a properly accredited certification body, in order for that company to be certified by the ICoCA. Such additional information is contained in Annex A to the ICoCA Recognition Statement for PSC.1.

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Comments highlighted in **yellow** are linked to additional information contained in Annex B

Comments highlighted in **green** are technical differences between the stand and the Code, which do not trigger additional information requirements

Requirement Category	System/Policy Category	Objective Questions	ICoC Ref	PSC-1 Ref	Comments re ICoC/PSC-1 alignment
1. Governance / Oversight Framework			3, 6, 17, 44		
	1.1 Risk Assessment Program(s)¹		3, 6		
		Does the standard require the company have a program to conduct risk assessments?		7.2	7.2 broadly requires a “formal and documented” risk assessment process.
		Does the standard require sufficient participation in the required risk assessment program by senior operational and field management personnel?		6.1, 6.2, 7.2.1, 7.4, 9.2	<p>The standard can be read to require that the company devote sufficient and appropriate resources to the risk assessment process (including personnel), but does not otherwise specify which types of personnel should participate in risk assessment procedures.</p> <p>6.1 and 6.2 require top management commitment to development and implementation of QAMS, including “providing sufficient resources” (which specifically includes “people with specialized skills”), but these requirements are not specific to risk assessment (nor to the human rights component thereof);</p>

¹ The requirement to conduct risk assessments, though not stated explicitly in the Code, can be derived both from the endorsement of the “Respect, Protect, Remedy” framework (ICoC paragraph 3) and from the commitment to operate “in accordance with relevant corporate standards of business conduct” (ICoC paragraph 6(b)).

				<p>7.2.1 identifies that there should be consultation process “consistent with operational security” involving internal and external stakeholders, but does not otherwise define who should participate in risk assessment;</p> <p>7.4 identifies top management involvement in assessment of “risk treatment,” but does not address participation in risk identification or assessment;</p> <p>9.2 is similar to 6.2 in requiring top management action to make resources available, but is not specific to risk assessment.</p>
		Does the standard require that the company’s risk assessment program cover human rights and humanitarian law related risks?	7.1, 7.2	<p>The standard requires that the risk assessment process “identify risks... that have a potential for direct or indirect consequences on the organization’s... ability to abide by principles of human rights..., [and to] determine those risks that have a significant impact on... stakeholder relationships [and] local populations...” It does not, however, otherwise require an analysis of risks to specific human rights nor does it require an analysis of risks to the specific human rights and humanitarian law-related commitments contained in the ICoC.”</p> <p>7.1 requires that the organization “identify relevant international humanitarian, human rights, and customary law and agreements..., and determine how these requirements apply to its operations.”</p> <p>7.2 states that the organization shall have a formal and documented risk assessment process in order to “identify tactical and operational risks... that have the potential for direct or indirect consequences on the organization’s... ability to abide by principles of human rights...”;</p>

				<p>7.2.1 requires a consultation process to ensure that “risk assessment is being conducted within the appropriate internal and external context...,” but contains no specific reference to human rights or humanitarian law;</p> <p>A.4.1 (Getting Started – Gap Analysis) states that “an organization with no existing QAMS should establish its current position with regard to human rights protection,” and recommends a gap analysis to include “human rights impact assessment” and “identification of applicable legal requirements;” This, however, is part of the interpretive guidance annex and not part of the language of the standard.</p> <p>A.7.2 (Risk Assessment and Monitoring) contains significant guidance on the conduct of Risk Assessment and makes several references to consideration of human rights impacts and legal compliance, however it is guidance and not mandatory to certification assessment.</p>
		Does the standard require a program to conduct impact assessments of ongoing operations?	7.2(b); 7.3; 7.4	<p>7.2(b) requires that the organization’s risk assessment program “systematically analyze risk (likelihood and consequence analysis);”</p> <p>7.3 requires that an organization establish... documented objectives... derived from the risk assessment... and that when reviewing such objectives, the organization consider “financial, operational and business requirements, the legal, regulatory and other requirements; its human rights impacts; its significant risks... [and] the views of stakeholders and other interested parties.</p>

					<p>7.4 states that top management shall “periodically review risk treatment to reflect changes in the external environment... and changes to the organization’s... activities, functions, products, services, and supply chain.”</p> <p>A.4.1 identifies that a company should do a human rights impact assessment when developing its original risk analysis, but does not mention further risk analyses.</p> <p>A.7.2 requires reassessments based on changes in operating conditions and in response to events.</p>
	<u>1.2 Compliance Program</u>				
		Does the standard require that all applicable policies be applied to Contractors and Suppliers?	16	6.3, 8.3, 9.1.2, 9.2.3, and 9.3	<p>6.3: requires subcontractors to confirm the organization’s Statement of Conformance with the ICoC as well as “applicable IHL, human rights, and customary laws and agreements...”</p> <p>8.3: requires that the organization “take responsibility for all activities outsourced to another entity; [and that it] have a legally enforceable agreement... including... commitment by subcontractors to abide by the same obligations held by the organization....”</p> <p>9.1.2: requires that the organization “establish, implement and maintain a [documented] Code of Ethics for all persons working on its behalf, including employees, subcontractors, and outsource partners..., [that] the Code clearly communicate respect for human rights and dignity of all human beings..., [and that] the Code ensure all persons working [on behalf of the organization] understand their responsibilities to prevent and report abuses of human rights.”</p>

					<p>9.2.3 applies selection, background screening, and vetting requirements to subcontractors;</p> <p>9.3 applies training requirements to subcontractors and outsource partners.</p> <p>Also relevant:</p> <p>5.1: “Subcontractors of outsourced processes or services are also responsible and accountable for all client, legal, regulatory, ethical, and industry obligations.</p> <p>7.1: the company shall inform subcontractors “and other relevant third parties” of legal and other requirements.</p> <p>7.3: Risks should be communicated to all subcontractors and supply chain partners “with the intent that these individual persons are made aware of their obligations.”</p>
		Does the standard require a company to have a process to consider the potential impact of UN Security Council Sanctions on contracts with governments and their agents?	22, 57	7.1	<p>7.1: requires the organization to “establish, implement, and maintain procedures to... (b) Identify relevant international humanitarian, human rights, and customary law and agreements and (c) determine how these apply to its operations.”</p> <p>There is no specific mention of UN Security Council sanctions, however, either in the standard or in the Annex guidance.</p>
		Does the standard require a company to have a process to evaluate and prohibit the practices described in ICoC Paragraph 22?	22	7.1	<p>7.1: requires the organization to “establish, implement, and maintain procedures to... (a) Identify legal, regulatory, and other requirements to which the organization subscribes..., (b) identify relevant international humanitarian, human rights, and customary law and</p>

					<p>agreements, and (c) determine how these apply to its operations.”</p> <p>7.1 also specifically refers to Annex A.2, which contains a discussion of and “definition” of human rights that is co-extensive with the ICoC’s description of prohibited activities</p> <p>See also training and education requirements described above.</p>
		Does the standard require that a company maintain awareness of all reporting requirements?	22, 24, 28, 63	9.5.1, 9.5.6	<p>9.5.1: requires the organization to... “report any non-conformance... [with required] procedures to treat all persons with dignity and respect for their human rights...”</p> <p>9.5.6: requires the organization to establish, implement and maintain procedures for incident monitoring, reporting, investigations...,” and further requires that “incidents involving use of force or weapons, ny casualties, physical injuries, allegations of abuse... or non-conformance with the principles of the Montreux Document and ICoC, as well as applicable laws and regulations, be reported and investigated...”</p> <p>9.5.6: further requires that the organization “assure all persons working on its behalf are aware of their responsibilities and the mechanisms to monitor and report non-conformances and incidents...”</p>
		Does the standard require a company to have a process to ensure it has all licenses (if any) required for the	25	7.1	7.1: does not specifically mention licenses, but does require that the organization have a process to “identify legal, regulatory, and other requirements to which the organization subscribes... [and] how they apply to its operations.”

		sale of goods or services?			
		Does the standard require a company to have an anti-corruption policy or program?	26	9.3	While a specific anti-corruption policy or program is not required, 9.3 requires the organization to establish, implement, and maintain procedures to “ensure all persons performing tasks on its behalf are aware of... applicable local and international laws, including... measures against bribery, corruption, and similar crimes.”
		Does the standard require that the company have all required authorizations and licenses to use and maintain weapons and ammunition, and hazardous materials?	56, 43(b)	9.2.5	9.2.5(a) requires the organization to “establish documented procedures and records for procurement and management of weapons, hazardous materials, explosives, and munitions... including [] compliance with registrations, certifications, and permits...”
		Does the standard require the company to ensure that all vehicles are registered and licensed with relevant national authorities?	43(b)	7.1	While there is no specific mention of registration and licensing of vehicles, 7.1 can be read to require an awareness of applicable licensing and registration requirements. 7.1: requires the organization to “establish, implement, and maintain procedures to... (a) Identify legal, regulatory, and other requirements to which the organization subscribes..., (b) identify relevant international humanitarian, human rights, and customary law and agreements, and (c) determine how these apply to its operations.”
		Does the standard require that all vehicles be individually	43(b)	9.2.1.1	The standard does not specifically require measures for individual vehicle identification, but rather requires only identification that the individual belongs to the PSC.

		identifiable while on duty?			9.2.1.1: requires the organization to... “Use uniforms and markings to identify its personnel and means of transport as belonging to the PSC organization whenever they are carrying out activities in discharge of their contract... [and that] this identification should be visible at a distance and distinguishable from those used by military and police forces.”
		Does the standard require that all personnel be individually identifiable while on duty?	43(a)	9.2.1.1	<p>The standard does not specifically require measures for individual personal identification, but rather requires only identification that the individual belongs to the PSC.</p> <p>9.2.1.1 requires that “consistent with the security of their clients, other civilians, and the requirements of law, the organization shall use uniforms and markings to identify its personnel as belonging to the PSC organization.”</p> <p>Note that A.9.2.1.1 states that “uniforms should include a badge number, name, or other means to distinguish individual organization personnel, this language appears in the interpretive annex and not in the language of the standard itself.</p> <p>Note also A.9.2.1.1’s discussion of incidents wherein, even outside of conditions of armed conflict, a client may not wish PSC personnel to be readily identifiable as such.</p>
		Does the standard require the company to ensure that all weapons transfers are conducted in accordance with applicable laws and UN Security Council	57	9.2.5	9.2.5: requires documented procedures and records for “procurement and management of weapons... based on local and international legal and regulatory requirements... including... controls over identification, issue, use, maintenance, return, and loss... records regarding to whom and when weapons are issued... proper disposal

		requirements, including sanctions?			with verification... consistent with appropriate international and national law.” See also 7.1 regarding awareness of applicability of legal requirements.
		Does the standard require a policy against the prohibition of illegal weapons?	57	9.2.5	9.2.5 further requires that “provision of weapons shall be for self-defense, or the defense of others, and appropriate to the task and operations in accordance with accepted weaponry used by law enforcement agencies and consistent with appropriate international and national law.”
		Does the standard require a company to have a program to ensure that the terms and conditions of work comply with all applicable labor and employment laws?	52	5.3, 7.1, 9.2.1, 9.5.3	5.3 requires the organization to determine “statutory, regulatory, and human rights requirements applicable to the services.” 7.1 requires the organization to be aware of applicable legal requirements and consider their applicability to its operations. 9.2.1 requires that personnel “shall be provided with adequate pay and remuneration arrangements... and shall “maintain documented information on all personnel... as required by legal and contractual obligations.” Note that A.9.2.1 states that “organizations should establish procedures for the welfare of persons working on their behalf, consistent with the protections provided by applicable labor and other laws...” While this is more explicit language, it appears in the interpretive guidance annex and not in the language of the standard. 9.5.3 requires the organization to “establish, implement, and maintain procedures to promote a safe and healthy

					working environment... consistent with legal, regulatory, and contractual obligations.
	<u>1.3 Reporting Procedures</u>		24,28, 63		
		Does the standard require a reporting program whereby known or reasonably suspected violations of national or international crimes must be reported to the client?		9.4.1, 9.5.6	<p>9.4.1 requires that the organization develop standardized communication procedures to share information about... incident reporting to company management, clients, other PSC teams, and relevant civil or military authorities.”</p> <p>9.5.6: requires the organization to establish, implement and maintain procedures for incident monitoring, reporting, investigations...,” and further requires that “incidents involving use of force or weapons, any casualties, physical injuries, allegations of abuse... or non-conformance with the principles of the Montreux Document and ICoC, as well as applicable laws and regulations, be reported and investigated...”</p> <p>9.5.6: further requires that the organization “assure all persons working on its behalf are aware of their responsibilities and the mechanisms to monitor and report non-conformances and incidents...”</p>
		Does the standard require a reporting program whereby known or reasonably suspected violations of national or international crimes must be reported to a Competent Authority?		9.4.1, 9.5.6	The standard (9.5.6) requires reporting to “appropriate authorities,” but does not explain what that term means with any specificity.

		Does the standard require a reporting program whereby known or reasonably suspected violations of national or international crimes must to be reported to either the country of nationality of the victim, country of nationality of the perpetrator, or country where the act took place?		9.4.1, 9.5.6	The standard refers only to “appropriate authorities,” and does not require reporting to the specific authorities listed in ICoC paragraph 28.
		Does the required reporting program include each of the practices or behaviors described in paragraph 22 of the ICoC.		9.5.6	<p>9.5.6 requires that “incidents involving... involving use of force or weapons... allegations of abuse...non-conformance with the principles of the <i>Montreux Document</i> and ICoC... shall be reported and investigated...” and further prescribes the required steps for reporting and investigation.</p> <p>Note that A.9.1.1 states that the Code of Ethical Conduct should ensure that all persons...understand their responsibility to... report any abuses of human rights including...</p> <ul style="list-style-type: none"> • Torture or other cruel, inhumane, or degrading treatment or punishment; • Sexual exploitation and abuse or gender-based violence; • Human trafficking; • Slavery or forced labor; • The worse forms of child labor; • Unlawful discrimination.

		Does the required reporting program include a requirement to report violations of the Code?		9.5.6	9.5.6 requires that “incidents involving... non-conformance with the principles of the <i>Montreux Document</i> and ICoC... shall be reported and investigated...” and further prescribes the required steps for reporting and investigation.
		Does the standard ensure that company requires a written incident report in response to any of the types of incidents described in paragraph 63 of the ICoC.?		9.5.4 – 9.5.6 and A9.5.9	<p>9.5.6 requires reporting, but does not specifically call for an incident report – instead requiring “documentation of the incident.”</p> <p>9.5.6 does not specifically extend its documentation requirement to each of the specific types of incidents noted in paragraph 63.</p> <p>Note that that A.9.5.9 provides that there <u>should</u> be an incident reporting and documenting program that includes all of the types of incidents contained in paragraph 63 of the Code. (A.9.5.9 pretty closely tracks the language of ICoC paragraph 63.)</p>
		Does the standard require a company to have a process to conduct an internal inquiry regarding incidents?		9.5.6	9.5.6 requires that incidents ... be reported and investigated...[including] identification of the root causes, [and] corrective and preventative actions taken...”
		Does the standard require an incident report to include each of the following: <ul style="list-style-type: none"> • time and location • identity and nationality of persons involved (including address and contact details) 		9.5.6	<p>9.5.6 does not require any specific report contents; it requires only that the incident be “documented.”</p> <p>Note that A.9.5.9 states that the organization <u>should</u> “produce in writing an incident report” that includes the report content specifics required in paragraph 63 of the Code. A.9.5.9 pretty closely tracks the language of ICoC paragraph 63.</p>

		<ul style="list-style-type: none"> • injuries and damages sustained • circumstances leading up to the incident; and • measures taken by the company in response. 			
	<u>1.4 Contracting Policies/Programs</u>		16-20, 22, 23		
		Does the standard ensure that the company requires Code compliance in its contracts with all contractors or subcontractors?		6.3, 8.3	<p>6.3 requires a “Statement of Conformance with the principles of the ICoC,” and that such Statement of Conformance be “documented... [and] communicated to and confirmed by all people working for or on behalf of the organization (including subcontractors)”</p> <p>8.3 requires that an organization “have a legally enforceable agreement covering outsourcing arrangements including... commitment by subcontractors to abide by the same obligations as held by the organization and as defined in this Standard.”</p> <p>Note also that 6.3 requires the Statement of Conformance to be “available to stakeholders,” and “visibly endorsed by top management.”</p>
		Does the standard require the company to have a process to ensure that it does not enter into contracts where performance would directly and materially conflict with		5.2.2, 5.3, 7.1, 7.2, 10.2	<p>The standard does not contain a specific prohibition against entering a contract where performance would conflict with the ICoC, however:</p> <p>5.2.2 requires the organization to consider its contractual agreements when defining and documenting its “external context” (for purposes of compliance and risk analysis);</p>

		<ul style="list-style-type: none"> • the Code; • applicable national or international law; • applicable local, regional and international human rights law 			<p>5.3 requires, in evaluating client requirements, that the organization analyze not only the requirements specified by the client, but also “statutory, regulatory, and human rights requirements applicable to the services,” and “needs of the local and impacted communities and other stakeholders.”</p> <p>7.1 requires the organization to have procedures to determine how legal, regulatory, and other requirements to which the organization subscribes (including relevant humanitarian, human rights, and customary law) apply to its operations.</p> <p>7.2 requires the organization to “periodically review whether the quality assurance management scope, policy, and risk assessment are still appropriate given the organization’s internal and external context,” and To “re-evaluate risks within the context of changes within the organization’s... services, partnerships, and supply chains.”</p> <p>10.2 requires the organization to “establish, implement, and maintain procedures for periodically evaluating compliance with applicable legal, regulatory, and human rights requirements,” and to keep records of the results of those periodic evaluations.</p>
		Does the standard require a process to review contracts and ensure there is no conflict of the Code?		7.1, 7.2, 10.2	<p>The standard does not contain a specific requirement for contract review for compliance with the Code, however:</p> <p>See notes immediately above regarding 7.1, 7.2, and 10.2</p>

Requirement Category	System/Policy Category	Objective Questions	ICoC Ref	PSC-1 Ref	Comments re ICoC/PSC-1 alignment
2. Personnel Management Policies and Procedures					
	2.1 Hiring and Selection of Personnel		45, 49, 50-54		
		Does the standard require the company to have a verifiable vetting program for all Personnel?		9.2.2, 9.2.3, and 9.3	<p>The standard requires a vetting program for “persons working on behalf of” the organization, but there is some ambiguity as to how this applies to subcontractor personnel. Most notably, while there is a vetting requirement for subcontractors it does not appear to require that subcontractor apply exactly the same vetting procedures as the organization, nor does it explicitly call for individual vetting of subcontractor personnel by the organization in the manner described in ICoC Paragraph 51.</p> <p>9.2.2 requires that the organization “establish [and] document... procedures for background screening and vetting of all persons working on its behalf...,” and that the screening include (where possible):</p> <ul style="list-style-type: none"> • consistency with legal and contractual requirements; • minimum age and personal history verification; • education and employment history review;

- military and security services records checks;
- review of possible criminal records;
- reports of human rights violations;
- substance abuse evaluation
- physical and mental evaluation for fitness with assigned duties; and
- evaluation of suitability to carry weapons.

9.2.2 further states that “in no case shall any person younger than eighteen years of age be employed in duties that require them to use a firearm or other weapon.”

Finally, 9.2.2 states that “both the screening and selection measures shall be consistent with legal and contractual requirements, as well as the good practices described in the *Montreux Document* and the principles in the ICoC.”

9.2.3 states that “when an organization subcontracts activities [and] functions... [it] is liable, as appropriate and within applicable law, for the conduct of the subcontractor” and that it must:

- ensue appropriate written contractual agreements with the subcontractor;
- advise the client in writing and when appropriate obtain approval;
- maintain a register of subcontractors it uses; and

				<ul style="list-style-type: none"> • communicate the responsibilities of the Standard to the subcontractor; and • maintain a record of evidence of conformance with the <i>Standard</i> of work subcontracted. <p>9.3 requires that a company “ensure that all persons performing tasks on its behalf, including employees, subcontractors and outsource partners... are competent.”</p>	
		Does the standard require that the vetting process applies to both to new hires and promotions to new positions?		9.2.2	9.2.2 does not speak to the frequency with which background screening or vetting procedures should be carried out, nor to specific occasions necessitating them. It does require, however, the vetting “ensure that [all personnel] are fit and proper for the tasks they will conduct.”
		Does the standard require that all personnel be checked to ensure that they are qualified as defined by <ul style="list-style-type: none"> • the contract; • applicable national law; • industry standards; and • the principles of the ICoC? 		9.2.2 and 9.2.3	See 9.2.2 and 9.2.3 above (note that specific reference is not made to “industry standards,” but that screening and vetting measures are to be “consistent with... the good practices described in the <i>Montreux Document</i> and the principles of the ICoC.”
		Does the standard require that the		9.2.2 and 9.2.3	See above (specific prohibition against hiring persons under the age of 18 for duties that

		company refrain from hiring personnel under the age of 18 to perform Security Services?			require them to use a firearm or other weapon), but note some ambiguity in the standard as to how this is applied to subcontractors.
		Does the standard require the company to obtain authorization to access all personnel, government and employment records?		-	No specific reference is made in the standard for an organization to require that personnel authorize access to prior employment and service records. The standard requires that screening include, inter alia, (a) education and employment history review and (b) military and security services, but with the caveat that such review is to be conducted “wherever possible.”
		Does the standard require that company personnel agree to participate in internal and external investigations and disciplinary procedures?		9.5.5, 9.5.6	9.5.6 requires that an organization “assure that all persons working on its behalf are aware of their responsibilities and the mechanisms to monitor and report non-conformances and incidents,” but does not otherwise require an explicit agreement to participate in internal and external investigations.
		Does the standard require that the company’s anti-discrimination policy apply to race, color, sex, religion, social origin, social status, indigenous status, disability, or	42	9.1.2, 9.5.1	The standard does not contain explicit requirements with regard to anti-discrimination policies. 9.1.2 requires a “Code of Ethics for norms and behaviour for all persons...[which shall be] documented and clearly communicate respect for the human rights and dignity of human beings.”

		sexual orientation when hiring personnel and selecting personnel on the basis of inherent requirements of the contract?			<p>9.5.1 requires that the organization establish “procedures to treat all persons with dignity and with respect for their human rights...,” and develop and communicate to all persons working on its behalf procedures for conduct consistent with the principles of the <i>Montreux Document</i> and ICoC...”</p> <p>A.9.1.1 specifically includes “unlawful discrimination” amongst the issues that the Code of Ethical Conduct should address, but does not otherwise describe what forms of discrimination might be unlawful.</p> <p>A.9.2.1 requires that an organization “establish procedures for the welfare of persons working on its behalf, consistent with the protections provided by applicable labor and other laws including... preventing unlawful discrimination in employment.”</p>
		Does the standard require that a company ensure personnel who carry weapons are checked to ensure that they have not: <ul style="list-style-type: none"> • been convicted of a crime that would indicate lack of character and fitness to 		9.2.2 and 9.2.3	<p>9.2.2 requires that the organization “establish [and] document... procedures for background screening and vetting of all persons working on its behalf...,” and that the screening include (where possible):</p> <ul style="list-style-type: none"> • consistency with legal and contractual requirements; • minimum age and personal history verification; • education and employment history review; • military and security services records checks;

		<p>perform Security Services in a manner consistent with the ICoC;</p> <ul style="list-style-type: none"> • been dishonorably discharged; • had other employment terminated for documented violations of any of the principles of the ICoC; or • had other history of conduct that (according to an objectively reasonable standard) brings into question their fitness to carry a weapon. 			<ul style="list-style-type: none"> • review of possible criminal records; • reports of human rights violations; • substance abuse evaluation • physical and mental evaluation for fitness with assigned duties; and • evaluation of suitability to carry weapons.
	2.2 Performance Review Process		45		
		Does the standard require that the company have an ongoing performance review process?			The standard does not contain a specific requirement for performance reviews. It contains general requirements for fitness and competency.

		Does the standard require that a company's performance review process assess the ability of personnel to perform duties in accordance with principles of the Code?			While the standard contains requirements for personnel competence, it does not contain specific requirements for performance reviews.
	2.3 Subcontractor Hiring		50-51		
		Does the standard require the company to provide the ICoC to all subcontractors and other personnel providing security services, and to require that they operate in accordance both with the Code and with the standard?		8.3(a), 9.2.3	<p>The standard is stronger in its requirement that the organization provide the requirements of the standard to the subcontractor than it is with regard to the ICoC. The requirement that the subcontractor be bound by a legally enforceable agreement to abide by the same obligations as the company can only be sensibly read to mean that the subcontractor must agree to be bound by the ICoC – but some more specific evidence of that commitment should be required.</p> <p>8.3 requires that an organization have “a legally enforceable agreement covering all outsourcing arrangements [that includes a] commitment by subcontractors to abide by the same obligations as held by the organization and as described in the Standard...[and] conformance to the applicable provisions of the Standard.”</p>

					9.2.3 requires that when an organization “subcontracts activities, functions and operations on a temporary or continuing basis...[the organization] shall... communicate the responsibilities of the standard to the subcontractor and maintain a record of evidence of conformance with the standard for work subcontracted.”
		Does the standard require the company to ensure either (a) that the selection, vetting and training procedures required by the ICoC and the standard are conducted by all subcontractors or (b) that, if subcontractors cannot perform the selection, vetting and training procedures required by the ICoC and the standard, the company will		8.3, 9.2.3	The standard does not specifically require that a company ensure that subcontractors carry out the same (or equivalent) screening and vetting procedures. However, the standard requires not only that a company hire subcontractors who are “competent,” but that they have an enforceable agreement with the subcontractor, and that the subcontractor be bound by the agreement to abide by the same obligations as the company. Logically, this should require the subcontractor to carry out the same screening and vetting requirements for its own personnel, but given the vague nature of the language the Board should require companies to have and demonstrate an explicit requirement for subcontractors that they be bound by the same (or substantially equivalent) screening and vetting procedures for their own personnel.

		perform those procedure?			
	2.4 Employment Practices/Terms and Conditions of Work		52-54		
		Does the standard require a company to have a program to ensure that the terms and conditions of work comply with all applicable labor and employment laws?		5.3, 7.1, 9.2.1, 9.5.3	<p>5.3 requires the organization to determine “statutory, regulatory, and human rights requirements applicable to the services.”</p> <p>7.1 requires the organization to be aware of applicable legal requirements and consider their applicability to its operations.</p> <p>9.2.1 requires that personnel “shall be provided with adequate pay and remuneration arrangements... and shall “maintain documented information on all personnel... as required by legal and contractual obligations.”</p> <p>Note that A.9.2.1 states that “organizations should establish procedures for the welfare of persons working on their behalf, consistent with the protections provided by applicable labor and other laws...” While this is more explicit language, it appears in the interpretive guidance annex and not in the language of the standard.</p> <p>9.5.3 requires the organization to “establish, implement, and maintain procedures to promote a safe and healthy working</p>

					environment... consistent with legal, regulatory, and contractual obligations.
		Does the standard require that relevant employment reference materials, such as employment contracts, incorporate the Code and applicable labor law?		9.2.1	<p>The standard does not require that relevant personnel reference materials in general, or employment contracts specifically, incorporate the Code.</p> <p>A.9.2.1 does not include this requirement in interpretive guidance for the standard either.</p>
		Does the contract require that all terms and conditions of employment are available to personnel in writing, in a language they can understand?		9.2.1	<p>The standard does not explicitly require that written employment contracts and job descriptions be provided to personnel. It refers only to "relevant documents."</p> <p>9.2.1 requires that the organization "provide personnel with relevant documents in language that is readily comprehensible for all parties."</p> <p>A.9.2.1 does states that organizations should "provide personnel a copy of any contract to which they are a party..."</p>
		Does the standard require that employment records be kept for all personnel during and for at least 7		9.2.1	<p>The standard does not explicitly require records be kept for 7 years, although its possible that such a requirement might, in some instances, violate local labor and employment laws.</p>

		years after employment?			<p>9.2.1 requires that the organization “maintain documented information on all personnel... as required by legal and contractual requirements.”</p> <p>Note that A.8.4.2 states that “records should be retained for a minimum of seven years or as otherwise required or limited by law.”</p>
		Does the standard require that the company make employment records accessible to ICoCA or a Competent Authority, except where prohibited by law?			<p>The standard does not specifically address or require accessibility of employment records by the ICoCA.</p>
		Does the standard require that the company hold passports, travel documents, and other identification materials only for such time as is reasonably necessary for administrative processing ?			<p>The standard does not contain an explicit requirement regarding an organization’s handling of passports, travel documents, or other identification materials (except with regard to safeguarding and confidentiality).</p> <p>A.9.2.2 states that “personal documents, such as passports, licenses, and original birth certificates, should be returned to personnel within a reasonable timeframe,” but does not otherwise provide any guidance concerning what constitutes a “reasonable timeframe.”</p>

Requirement Category	System/Policy Category	Objective Questions	ICoC Ref	PSC-1 Ref	Comments re ICoC/PSC-1 alignment
3. Rules for the Use of Force			29-32		
		Does the standard require that a company have guidance or general policies covering Rules for the Use of Force?		9.5.2	9.5.2 requires that the organization “establish, document, and maintain procedures for the Rules for the Use of Force (RUF) compatible with RUF’s specified by the client or a competent legal authority...”
		Does the standard require that company guidance regarding the use of force is checked for consistency with applicable law?		9.5.2	9.5.2 requires that RUF “be consistent with local and international law and be subject to legal review before implementation.”
		Does the standard require that a company’s RUF and guidance incorporate concepts of necessity, proportionality and appropriateness?		9.5.2	9.5.2 requires that RUF must “ include conditions for the use of deadly force and less lethal force, emphasizing that deadly force is justified only under conditions of necessity when there is reasonable belief that a person or persons presents an imminent threat of death or serious bodily harm to the individual or others in the vicinity.” 9.5.2 further requires that RUF training include, <i>inter alia</i> , instruction that “use of force [be] proportionate to the threat and appropriate to the situation.”

		Does the standard require RUF stipulations for the use of firearms only in self-defense or defense of others with the threat of death or serious injury is imminent?		9.5.2	9.5.2 requires that RUF training include, <i>inter alia</i> , instruction that “use of force [is permitted] against persons only in self-defense or defense of others against the imminent threat of death or serious injury, or to prevent the perpetration of a particularly serious crime involving grave threat to life.”
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Requirement Category	System/Policy Category	Objective Questions	ICoC Ref	PSC-1 Ref	Comments re ICoC/PSC-1 alignment
4. Management of Weapons and Materials of War			56-62		
		Does the standard require the company to have policies that cover the possession, use and storage of weapons, ammunition, and materials of war?		9.2.5	9.2.5 requires that an organization “establish documented procedures and records for procurement and management of weapons, hazardous materials, explosives and munitions...including...acquisition, secure storage [and] proper disposal with verification.”
		Does the standard require that a company have all required authorizations for possession and use of weapons, ammunition, and material of war?	56,60	9.2.5	9.2.5 requires that an organization “establish documented procedures and records for procurement and management of weapons, hazardous materials, explosives and munitions...based on local and international legal and regulatory requirements... including compliance with registrations, certifications, and permits.”
		Does the standard require that a company ensure there is no unauthorized or altered, illegal weapons or material of war?	57,61	9.2.5	9.2.5 requires that “provision of weapons shall be for self-defense, or the defense of others, and appropriate to the task and operations in accordance with accepted weaponry used by law enforcement agencies and consistent with appropriate international and national law.”

		Does the standard require that a company ensure all weapons and materials of war transfers and transactions in are in accordance with applicable law and UN Security Council laws and sanctions?	57,61	9.2.5	9.2.5 requires procedures and records for procurement and management of weapons... based on local and international legal and regulatory requirements...including <ul style="list-style-type: none"> • controls over their identification, issue, use, maintenance, return, and loss; • records regarding to whom and when weapons are used; • proper disposal with verification.
		Does the standard require policies for management of weapons and ammunition that includes: <ul style="list-style-type: none"> • secure storage • controls over issue • records regarding to whom and when weapons are issued • identification and accounting for all ammunition • verifiable and proper disposal. 	58,62	9.2.5	See above.

Requirement Category	System/Policy Category	Objective Questions	ICoC Ref	PSC-1 Ref	Comments re ICoC/PSC-1 alignment
5. Grievance Mechanism			66		
		Does the standard require a company to have a grievance program that facilitates claims of violations of Code brought both by company personnel and by third parties?		9.5.7	9.5.7 requires companies to “establish procedures to document grievances received from internal and external stakeholders (including clients and other affected parties)... [and requires that they] be communicated to internal and external stakeholders to facilitate reporting by individuals of potential and actual non-conformances with this Standard, or violations of international law, local laws and human rights.”
		Does the standard require the company grievance procedure that facilitates reporting of improper or illegal conduct, both internally and, where appropriate, to Competent Authorities?		9.4.4, 9.5.7	<p>9.4.4 requires that “the organization shall communicate to people working on its behalf, who have reasonable belief that a nonconformance of this standard has occurred, their right to anonymously report the nonconformance internally, as well as externally to appropriate authorities.”</p> <p>9.5.7 requires companies to establish procedures... “to facilitate reporting by individuals of potential and actual nonconformities with this Standard, or violations of international law, local laws, or human rights.”</p> <p>9.5.7 also requires that the organization establish and document procedures for “communications with appropriate authorities.”</p>

		Does the standard require that a company's grievance mechanism be fair, accessible, and offer effective remedies, including recommendations for the prevention of recurrences?		9.4.3, 9.5.7, 10.4	<p>9.4.3 requires that “[grievance] procedures shall minimize obstacles to access caused by language, educational level, or fear of reprisal, as well as consider needs for confidentiality and privacy.”</p> <p>9.5.7 requires that the organization “investigate allegations expeditiously and impartially, with due consideration to confidentiality and restrictions imposed by local law.” It further requires procedures to “prevent intimidation of witnesses or inhibiting the gathering of evidence.”</p> <p>9.5.7 also requires “procedures for</p> <ul style="list-style-type: none"> • identification of root causes; • corrective and preventative actions taken, including disciplinary action commensurable with any infraction.” <p>10.4 requires “procedures for dealing with nonconformities and for taking corrective and preventive action.”</p>
		Is the process published on a publically accessible website?		9.4.3	While there is no specific mention in the standard concerning websites, 9.4.3 requires that “[grievance] procedures shall minimize obstacles to access caused by language or] educational level.”
		Does the procedure allow for investigations, and are the investigations		9.4.3, 9.5.7	9.4.3 requires that “[grievance] procedures shall minimize obstacles to access caused by language, educational level, or fear of reprisal, as well as consider needs for confidentiality and privacy.”

		prompt, impartial, and taken with consideration to confidentiality?			9.5.7 requires that the organization “investigate allegations expeditiously and impartially, with due consideration to confidentiality and restrictions imposed by local law.” It further requires procedures to “prevent intimidation of witnesses or inhibiting the gathering of evidence.”
		Does the standard require that records be kept of allegations, findings and disciplinary measures?		9.5.7	9.5.7 requires “procedures to document... grievances,” but does not specify exactly what the contents of records should be.
		Does the standard require cooperation with offices conducting investigations, and that grievance records be available to Competent Authorities (except as provided by applicable law)?		9.5.7	9.5.7 requires procedures for “communication with appropriate authorities,” for “the investigation of grievances, including procedures to cooperate with official external investigation mechanisms,” and further requires that “grievances alleging criminal acts, violations of human rights, or imminent danger to individuals shall be dealt with immediately by the organization, and other authorities as appropriate.”
		Does the standard require that the grievance procedure prevent impeding of witnesses, testimony, or		9.5.7	9.5.7 requires procedures to “prevent intimidation of witnesses or inhibiting the gathering of evidence.”

		investigations to grievances?			
		Does the standard require the the grievance procedure provide for discipline, including termination?		9.5.7	While 9.5.7 does not explicitly mention termination, it does require procedures for “disciplinary action commensurable with any infractions.”
		Does the standard require that a company have a process to provide protection against retaliation for personnel who report wrongdoings in good faith?		9.4.3, 9.4.4, 9.5.7	<p>9.4.3 requires that “complaint and grievance procedures shall be communicated to internal and external stakeholders.”</p> <p>9.4.4 requires that “the organization shall communicate to people working on its behalf, who have reasonable belief that a nonconformance of this standard has occurred, their right to anonymously report the nonconformance internally, as well as externally to appropriate authorities.” It further requires that the organization “shall not take any adverse action against any individual for the act of making a report in good faith.”</p> <p>9.5.7 requires that the organization establish and document procedures for... investigation of grievances, including procedures to... protect individuals submitting a complaint or grievance in good faith from retaliation.”</p>

Requirement Category	System/Policy Category	Objective Questions	ICoC Ref	PSC-1 Ref	Comments re ICoC/PSC-1 alignment
6. HSE Program			64		
		Does the standard require that a company endeavor to provide a healthy and safe working environment?		9.5.3	9.5.3 requires that the organization “establish, implement and maintain procedures to promote a safe and healthy working environment....”
		Does the standard require that a company provide precautions to protect staff in high-risk or life threatening operations?		9.5.3	9.5.3 requires that the organizations efforts to promote a safe and healthy working environment include “reasonable precautions to protect people working on behalf of high-risk or life-threatening operations consistent with legal, regulatory, and contractual obligations.”
		Does the standard require that a company assess and/or address each of the following: <ul style="list-style-type: none"> • risk of injury to personnel; • risk of injury to local populations; • Hostile Environment threats ; • appropriate PPE ; 		9.5.3	9.5.3 requires HSE procedures to include all of the elements specifically noted in paragraph 64 of the ICoC.

		<ul style="list-style-type: none">• appropriate weapons and ammunition ;• medical support ;• psychological health ;• detterence of workplace violence ;• misconduct ; and• alochol or drug abuse.			
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Requirement Category	System/Policy Category	Objective Questions	ICoC Ref	PSC-1 Ref	Comments re ICoC/PSC-1 alignment
<u>7. Insurance /Liability Coverage</u>			69		
		Does the standard require evidence of sufficient coverage of financial capacity to meet commercial liabilities?		8.2	8.2 requires that “the organization shall demonstrate that it has sufficient insurance to cover risks and associated liabilities arising from its operations and activities consistent with its risk assessment...[including subcontracted activities].”

Requirement Category	System/Policy Category	Objective Questions	ICoC Ref	PSC-1 Ref	Comments re ICoC/PSC-1 alignment
Training Programs and Curriculum	Training Requirements		16, 27, 55, 59		
		Does the standard require a training program that applies to all personnel (including contractors and subcontractors)?	16, 55	9.3	9.3 requires that the organization ensure competency for all persons (including subcontractors and outsource partners) who have the potential to prevent, cause, respond to, or mitigate, or be affected by identified risks are competent (on the basis of appropriate training, education and experience); Also requires procedures to ensure” all persons... are aware of... applicable local and international laws, including criminal, human rights, and international humanitarian laws...” as well as “physical, mechanical, and live-fire training for all personnel authorized to carry... weapons.”
		Is the training program documented, and does it require that the company keep all records of attendance and results, including practical exercises?	55	9.3	9.3 requires that an organization provide training, that it “establish, implement and maintain procedures to ensure that personnel are aware of” certain IHL and human rights subjects, and that it “retain associated records.” 9.3 further states, with respect to weapons training, that it “should be conducted to a written standard appropriate to the weapon and expected conditions of use.”

					<p>9.3 requires the retention of “associated records,” although no further guidance is provided on what this means, nor is it specified to include attendance records or records of practical exercises.</p> <p>A.9.3 includes more extensive guidance on training, including significant mention of training on IHL and human rights subjects, but does not contain guidance on records retention.</p>
		Does the standard require that a company have a training program that provides both initial and recurrent training?	55, 59	9.3	<p>9.3 requires companies to ensure that all personnel are “aware of” various requires subjects, but does not otherwise prescribe the frequency of training.</p> <p>A.9.3 states that “it is an organization’s responsibility that all persons working on behalf of the organization are sufficiently trained, both prior to any deployment and on an ongoing basis... to respect relevant local, national, and humanitarian and human rights laws...”</p> <p>A.9.3 further states, with respect to weapons training, that “initial training should be repeated at regular intervals, and not less than annually...”</p>
	<u>Mandatory Subjects for Training:</u>				

		Does the standard require the a company conduct training on each of the following			
		1. the ICoC?	27,55		PSC.1 does not require or measure specific training on the ICoC. However, most of the required subjects addressed in the Code are either required subjects of training (see 9.3 above) or are recommended in the guidance contained in Annex 1.
		2. religious, gender, and cultural issues with respect to the local population?	4	9.3(g)	9.3(g) requires that an organization “establish, implement, and maintain procedures to ensure all personnel... are aware of... the culture, such as customs and religion, of the environment in which they are operating.” A 9.9.1 states that and organization should establish, implement, and maintain a Code of Ethical Conduct... [that] should communicate respect for human rights and the dignity of human beings (taking into account both local practice and culture)...
		3. Rules for the Use of Force, including: <ul style="list-style-type: none"> • legal restrictions • proportionality • appropriateness • use only in self-defense or defense of others? 	29-31,59	9.5.2	9.5.2 requires documented training on RUF, including all topics listed.

		4. Reporting Obligations	24, 27, 28, 34, 37, 38, 39, 63		See section on reporting above.
		5. Awareness of Specific Human Rights/ Prohibited Practices described in paragraphs 22 and 23 of the ICoC	22-23	9.3	<p>The standard does not specifically mention each of the items contained in paragraph 22 of the ICoCA as a training requirement, but 9.3 (c) requires that an organization ensure that all personnel are aware of... applicable local and international laws, including criminal, human rights, and humanitarian laws, including but not limited to:</p> <ul style="list-style-type: none"> • Prohibition of torture or other cruel, inhuman, or degrading treatment; • Prohibition and awareness of sexual exploitation and abuse or gender-based violence; • Recognition and prevention of human trafficking and slavery; • Measures against bribery, corruption, and similar crimes
		6. Anticorruption	26	9.3	See above.
		7. Applicable law		9.3	See above.
		8. Type and model of weapon carried – regular, verified, and recurrent	59	9.3, 9.5.2	9.3 requires “physical, mechanical, and live-fire training and evaluation for all personnel authorized to carry lethal, less-lethal, and non-lethal weapons... [and that] a documented level of competence shall be demonstrated with the specific weapons authorized as specified by the organization, or to a higher level as required by law or by contractual obligations.”

					9.5.2 requires an organization to “identify competencies and training needs associated with... weapon-specific training... and provide ongoing training for the use of force as well as training to meet the needs of personnel carrying weapons.”
		9. Hostile Environment Training		9.5.3	9.5.3 requires an organization to have procedures to conduct hostile environment as part of its HSE requirements.
		10. <u>If</u> contract covers law enforcement duties or support to national law enforcement: <ul style="list-style-type: none"> • Laws applicable to enforcement of that state • UN Basic Principles on Use of Force and Firearms by Law Enforcement Officials. 	32		The standard does not address specific training requirements for PSCs conducting law enforcement duties or support to national law enforcement.
		11. <u>If</u> contract involves detention duties: <ul style="list-style-type: none"> • Applicable national and international laws; • Prohibition on torture and other 		9.3	While the standard does not specifically deal with detention, 9.3 requires training in all applicable national and international law as well as training regarding prohibitions on torture and other cruel and inhumane or degrading treatment.

		cruel and inhumane or degrading treatment.			
		<p>12. When Apprehension is required in the course of protecting persons or property:</p> <ul style="list-style-type: none"> • When apprehension is permitted; • How and when persons should be transmitted to competent authorities; • Rules for incidental detention; • Applicable national and international law; • The requirement and a process for reporting to clients; and • The requirement for humane treatment. 		9.5.4	<p>9.5.4 requires that an organization “establish, implement and maintain procedures to support the performance of security-related tasks, including... apprehension and detention of persons....” but does not mandate apprehension-specific training.</p> <p>A.9.5.4 states that the organization “should provide training in the apprehension of persons detained or captured in the course of executing the terms of the contract” and describes and prescribes specific content to this training.</p>